

LB 2529

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1878

SCHOOL LAW

OF THE

STATE OF SOUTH CAROLINA,

APPROVED MARCH 22, 1878.

PUBLIC PROPERTY TO BE DELIVERED
BY
EACH OFFICER TO HIS SUCCESSOR.

COLUMBIA, S. C.
CALVO & PATTON, STATE PRINTERS.
1878.

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South Carolina, laws, statutes, etc

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AN ACT

TO

ALTER AND AMEND

THE

SCHOOL LAW

OF

SOUTH CAROLINA,

APPROVED MARCH 22, 1878.

PREPARED AND PUBLISHED IN PURSUANCE OF LAW UNDER THE DIRECTION OF
HUGH S. THOMPSON,
STATE SUPERINTENDENT OF EDUCATION.

COLUMBIA, S. C.
CALVO & PATTON, STATE PRINTERS.
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AN ACT
TO
TO ALTER AND AMEND
THE
SCHOOL LAW OF SOUTH CAROLINA.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the State Superintendent of Education and four (4) persons to be appointed by the Governor, by and with the advice and consent of the Senate, who shall hold office for two years and until their successors may be appointed, unless sooner removed by the Governor, shall constitute the State Board of Examiners. Of this Board the State Superintendent of Education shall be *ex officio* Chairman. The clerk of the State Superintendent of Education, as hereinafter provided for, shall be clerk of the State Board of Examiners. He shall be custodian of its records, papers and effects, and shall keep minutes of its proceedings; and said records, papers and minutes shall be kept in the office of the State Superintendent of Education and shall be open to inspection.

Superintendent of Education and State Board of Examiners.

SEC. 2. That the said Board shall meet on the call of its Chairman, or upon the request of a majority of its members, at the office of the State Superintendent of Education, or at such other place as may be designated in the call. A majority of the Board shall constitute a quorum for transacting business.

Board to meet.

SEC. 3. That the official seal of the State Superintendent of Education shall be used for the authentication of the acts of the State Board of Examiners.

Official seal.

State Super-
intendent of
Education to
consult with
Board.

SEC. 4. That the State Board of Examiners shall constitute an advisory body with whom the State Superintendent of Education shall have the right to consult when he is in doubt as to his official duty; and shall have power to review all decisions of the County Boards of Examiners, as hereinafter provided for. Appeals to the State Board of Examiners must be made through the County Boards of Examiners in writing and must distinctly set forth the question of law as well as the facts of the case upon which the appeal is taken, and the decision of the State Board shall be final upon the matter in issue.

Power of
Board.

SEC. 5. That the State Board of Examiners shall have power:

1st. To adopt rules and regulations not inconsistent with the laws of the State for its own government and for the government of the free public schools.

To prescribe
rules.

2d. To prescribe and enforce rules for the examination of teachers.

3d. To prescribe a standard of proficiency before County Boards of Examiners which will entitle persons examined by such Boards to certificates as teachers.

4th. To prescribe and enforce the course of study in the free public schools.

To prescribe
use of uniform
books.

5th. To prescribe and to enforce as far as practicable the use of a uniform series of text books in the free public schools, except in the city of Charleston: *Provided*, That the State Board of Examiners shall not have power without permission of the General Assembly of the State to change a text book within five (5) years from the date of its adoption.

To grant
teachers' cer-
tificates.

6th. To grant teachers' State certificates, and to revoke them for immoral or unprofessional conduct, profanity or evident unfitness for teaching.

7th. To review on appeal an order revoking a County certificate.

Time for ex-
amining appli-
cants.

SEC. 6. That the State Board of Examiners shall, during the first week in May and the first week in September of each year, and at such other times as may be necessary, examine all persons who may make application as to their qualification for teaching school in this State; and that to every person of good moral character who passes a satisfactory examination the Board shall issue a certificate of qualification, to be signed by its Chairman, which certificate shall authorize the person to whom it is given to teach in any of the free public schools of this State in which his or her services may be desired by the Trustees of the school in which he or she may make application to teach, without further evidence of

qualification. Said certificates shall be valid for the term of two (2) years, unless sooner revoked, and they may be renewed with or without examination at the discretion of the State Board of Examiners. Notice of the meetings provided for in this Section shall be given in at least two daily newspapers published in this State.

Notice to be given.

SEC. 7. That a State Superintendent of Education shall be elected at each general election in the same manner as other State officers, who shall enter upon the duties of his office at the time prescribed by law.

Election of State Superintendent of Education.

SEC. 8. That he shall, before entering upon the duties of his office, give bond for the use of the State of South Carolina in the penal sum of five thousand (5,000) dollars, with good and sufficient sureties, to be approved by the Governor, conditioned for the faithful and impartial performance of the duties of his office; and he shall, also, at the time of giving bond, take and subscribe the oath prescribed in Section 30 of Article II of the Constitution of the State, which oath shall be endorsed upon the back of said bond, and the bond shall be filed with and preserved by the Secretary of State.

Bond of Superintendent of Education.

SEC. 9. That the State Superintendent of Education shall receive as compensation for his services the sum of two thousand dollars per annum, payable monthly out of the State Treasury.

Compensation.

SEC. 10. That he shall have general supervision over all the free public schools of the State, and it shall be his duty to visit every County in the State, for the purpose of inspecting the schools, awakening an interest favorable to the cause of education, and diffusing as widely as possible by public addresses and personal communication with school officers, teachers and parents, a knowledge of existing defects and of desirable improvements in the government and instruction of the said schools.

To have general supervision.

SEC. 11. That he shall secure, by and with the advice of the State Board of Examiners, uniformity in the use of text books throughout the free public schools of the State, and shall forbid the use of sectarian or partisan books and instruction in said schools.

Uniformity of books.

SEC. 12. That he shall prepare and transmit to the several County School Commissioners school registers, blank certificates, reports and such other suitable blanks, forms and printed instructions as may be necessary to aid school officers and teachers in making their reports and carrying into full effect the various provisions of the school laws of this State; and shall cause the laws relating to the free public schools, with such rules, regulations, forms and instruc-

To prepare blanks, &c.

tions as shall be legally prescribed, to be printed, together with a suitable index, in pamphlet form, by the person authorized to do the State printing, at the expense of the State; and he shall cause copies of the same to be transmitted to the several County School Commissioners for distribution.

To collect
books, maps,
&c.

SEC. 13. That it shall be the duty of the State Superintendent of Education to collect in his office such school books, apparatus, maps and charts as can be obtained.

SEC. 14. That copies of all papers filed in the office of the State Superintendent of Education and his official acts may be certified by him, and when so certified shall be evidence equally and in like manner as the original papers.

To make an-
nual report.

SEC. 15. That the State Superintendent of Education shall submit in his annual report a statement of his official visits during the past year.

SEC. 16. That he shall make a report through the Governor to the General Assembly at each regular session thereof, showing :

1st. The whole number of persons that attended the free common schools of the State during the year ending the thirty-first day of the last preceding August, and the number in each County that attended during the same period.

2d. The number of whites of each sex that attended the said schools, and the number of colored of each sex that attended the said schools.

3d. The number of free public schools in the State.

4th. The number of pupils that studied each of the branches taught.

5th. The average wages paid to teachers of each sex.

6th. The number of school houses erected during the year, and the location, material and cost thereof.

7th. The number previously erected, the material of their construction, their condition and value, and the number with the grounds enclosed.

8th. The Counties in which teachers' institutes were held and the number that attended the institutes in each County.

9th. Such other statistical information as he may deem important, together with such plans as he may have matured and the State Board of Examiners may have recommended for the management and improvement of the school fund, and for the more perfect organization and efficiency of the free public schools.

10th. The number and cost of books furnished to each County School Commissioner.

SEC. 17. That the sum of nine hundred dollars be allowed to the Superintendent of Education for the purpose of defraying the expenses of clerk hire in his office.

Clerk hire,

SEC. 18. That the State Superintendent of Education shall take and hold in trust for the State any grant or devise of lands and any gift or bequest of money or other personal property made to him for educational purposes, and shall pay into the State Treasury, for safe keeping and investment, all moneys and incomes from property so received. The State Treasurer shall from time to time invest all such money in the name of the State, and shall pay to the State Superintendent of Education, on the warrant of the Comptroller General, the income or principal thereof as he shall from time to time require: *Provided*, That no disposition shall be made of any grant, devise, gift or bequest inconsistent with the conditions or terms thereof. For the faithful management of all property so received by the State Treasurer, he shall be responsible, upon his bond, to the State as for other funds received by him in his official capacity: *Provided, however*, That the Trustees of any school district of this State may take and hold in trust for their particular school district any grant or devise of lands, and any gift or bequest of money, and apply the same in the interest of the schools of their district in such manner as, in their judgment, seems most conducive to the welfare of the schools, when not otherwise directed by the terms of the said grant or devise, gift or bequest: *And provided, further*, That before said Trustees shall assume control of any such grant, devise or bequest they shall give a bond, to be approved by the Board of Examiners of the County in which such grant, devise or bequest is made, said bond to be deposited with the Clerk of the Court of said County. The said Trustees are hereby invested with the care and custody of all school houses, sites or other property belonging to the State Superintendent of Education within the limits of their jurisdiction, with full power to control the same in such manner as they may think will best subserve the interest of the free public schools and the cause of education, subject to the control of the State Superintendent of Education.

Power to hold in trust for State

Trustees to hold in their particular districts.

Bond to be given.

SEC. 19. That the State Superintendent of Education shall discharge such other duties as may be provided by law; and he shall deliver to his successor, within ten days after the expiration of his term of office, all books, papers, documents and other property belonging to his office.

To deliver to successor all books, &c.

Vacancy to
be filled by
Governor.

SEC. 20. That in case of vacancy in the office of State Superintendent of Education, or his failure to qualify, the Governor shall appoint, with the advice and consent of the Senate, a person to fill such vacancy, who shall qualify within fifteen days after his appointment, and shall continue in office until the next ensuing general election; and should the person so appointed fail to qualify within the time specified, such failure shall create a vacancy.

School Com-
missioner.

SEC. 21. That there shall be elected in each County, at each general election, a School Commissioner, who shall hold his office until his successor is elected and qualified. He shall, before entering upon the duties of his office, give bond to the State, for the use of the County in which he is elected, for educational purposes, in the penal sum of one thousand dollars, with good and sufficient sureties, to be approved by the County Commissioners, conditioned for the faithful and impartial discharge of the duties of his office.

Oath to be
taken.

SEC. 22. That on or before the first day of January next succeeding the date of his election, he shall take and subscribe the oath of office prescribed in Section 30, Article II, of the Constitution of this State, which oath he shall file in the office of the Clerk of the Court of the County in which he was elected, and shall immediately enter upon the discharge of his duties; and upon his failure so to do, or if for any other cause there should be a vacancy in the office, the Governor shall appoint a person to fill such vacancy, who shall qualify within fifteen days after his appointment, and shall continue in office until the time prescribed for filling said office by election, as herein provided; and should the person so appointed fail to qualify within the time specified, such failure shall create a vacancy.

Duty of
County School
Commissioner.

SEC. 23. That it shall be the duty of each County School Commissioner to visit the schools in his jurisdiction as often as may be practicable, and to note the course and method of instruction and the branches taught, and to give such recommendation in the art of teaching and the method thereof, in each school, as shall be necessary and expedient, so that uniformity in the course of studies and method of instruction employed shall be secured, as far as practicable, in the schools of the several grades respectively. He shall acquaint himself, as far as practicable, with the character and condition of each school, noting any deficiencies that may exist, either in the government of the school or the classification of its pupils, or the method of instruction employed in the several branches, and shall make such suggestions, in private, to the teachers as to him shall appear necessary to the good order of the school

To acquaint
himself with
condition, &c.,
of each school.

and the progress of the pupils. He shall note the character and condition of the school houses, the sufficiency or insufficiency of the furniture, and shall make such suggestions to the several District Boards as, in his opinion, shall seem conducive to the comfort and progress of the several schools. It shall be the duty of each County School Commissioner to aid the teachers in all proper efforts to improve themselves in their profession. For this purpose he shall encourage the formation of associations of teachers for common improvement. He shall attend the meetings of such associations and give such advice and instruction in regard to their conduct and management as in his judgment will contribute to their greater efficiency.

SEC. 24. That he shall, on or before the first day of October, each year, forward to the State Superintendent of Education an extended report, containing an abstract of the reports made to him by the various school officers and teachers in his County, and showing the condition of the schools under his charge, suggesting such improvements in the school system as he may deem useful, and giving such other information in regard to the practical operation of the free public schools and laws relating thereto as may be deemed of public interest. He shall also include in his report such other matters as he shall be directed to report by the State Superintendent of Education.

Make report
on 1st October.

SEC. 25. That should he fail to make the annual report required in the preceding Section, he shall forfeit to the school fund of his County one-fourth of his compensation for that year.

Penalty for
neglect to
make report.

SEC. 26. That he shall at all times conform to the instructions of the State Superintendent of Education as to matters within the jurisdiction of said Superintendent. He shall serve as the organ of communication between the said State Superintendent and school authorities. He shall transmit to school officers or teachers all blanks, circulars and other communications which are to them directed.

To be under
the Superin-
tendent of
Education.

SEC. 27. That he shall annually, on the first day of February, or as soon as practicable thereafter, apportion the income of the County school fund among the several school districts of his County in proportion to the average number of pupils attending the free public schools in each district, and he shall certify such apportionment to the County Treasurer.

Apportion-
ment of school
fund.

SEC. 28. That each County School Commissioner shall receive such compensation as the County Board of Examiners, as hereinafter provided for, may allow him, not to exceed three dollars a

Compensa-
tion of County
School Com-
missioner.

day, to be determined by the County Board of Examiners, for each day actually employed in the discharge of his official duties. His claim for services shall be presented in the form of an account against the County Board of Examiners, and shall be verified by affidavit to the effect that said account is just and true, that the service therein named was honestly and faithfully rendered, and that the sum therein claimed is rightfully due and remains unpaid.

Accounts to
be audited.

When said account shall have been duly audited and approved by the County Board of Examiners, it shall be filed with the County Treasurer, who shall pay the same ratably out of the funds apportioned to the several school districts in proportion to the average number of children attending the free public schools in each school district: *Provided*, That the County Board of Examiners shall determine the number of days in each year in which said County School Commissioner may labor in the performance of the duties required of him: *Provided, further*, That the number of days in each and every year for which said compensation shall be allowed shall in no case exceed two hundred days, except in Charleston County, where the number of days shall not exceed three hundred. In deciding the number of days for which each County School Commissioner shall be allowed compensation in each and every year, and in making the assessment on each school district, as provided for in this Section, the County Auditor shall, as a member of the Board, act in place of the County School Commissioner; and it shall be the duty of said County Board of Examiners to certify to the County Treasurer the amount assessed on each school district.

Compensation
not allowed for
more than two
hundred days,
except in
Charleston,
and there three
hundred days.

Duty of Board
of Examiners.

SEC. 29. That it shall be the duty of the County Boards of Examiners and of the Boards of Trustees, as hereinafter provided for, to see that in every school under their care there shall be taught, as far as practicable, orthography, reading, writing, arithmetic, geography, English grammar, history of the United States and of this State, the principles of the Constitution and laws of the United States and of this State, morals and good behavior.

Term of office.

SEC. 30. That there shall be in each County a Board of Examiners, composed of the County School Commissioner (who shall, *ex officio*, be Chairman,) and two other members who shall be appointed by the State Board of Examiners and shall hold office for the term of two years from the time of their appointment and until their successors shall be qualified, unless sooner removed by the State Board of Examiners; but no person shall be appointed a member of the County Board of Examiners who is not competent

to teach a first grade school. It shall be the duty of the County Board of Examiners to examine all candidates for the profession of teacher, and to give to each person found qualified a certificate setting forth the branches of learning he or she may be capable of teaching, such examination to be renewed every year; and no teacher shall be employed in any of the free public schools without a certificate from the County Board of Examiners or the State Board of Examiners.

To examine candidates.

SEC. 31. That the County Board of Examiners shall meet at least twice a year, at such places and at such times as the County School Commissioner shall appoint; that the County School Commissioner shall be Chairman and Clerk of the Board, and shall keep a fair record of their proceedings, and a register of the name, age, sex, color, residence and date of certificate of each person to whom a certificate is issued, and in case a certificate be canceled shall make a proper entry of the same; and the said Board shall have power to revoke any certificate granted by them, for immoral or unprofessional conduct or evident unfitness for teaching:

Shall meet twice a year.

SEC. 32. That the County Board of Examiners shall constitute an advisory body with whom the County School Commissioner shall have the right to consult when he is in doubt as to his official duty, and also a tribunal for hearing and determining any matter of local controversy in reference to the construction or administration of the school laws, with power to summon witnesses and take testimony if necessary, and when they have made a decision said decision shall be binding upon the parties to the controversy: *Provided*, That either of the parties shall have the right to appeal to the State Board of Examiners, and said appeal shall be made through the County Board of Examiners in writing, and shall distinctly set forth the question in dispute, the decision of the County Board and the testimony as agreed upon by the parties to the controversy, or, if they fail to agree, upon the testimony as reported by the County Board.

Right of appeal.

SEC. 33. That it shall be the duty of each County Board of Examiners to divide their County into convenient school districts for all purposes connected with the general interests of education, and redistrict the same, whenever in their judgment the general good requires it: *Provided*, That the present division of the County into school districts shall continue until altered by the said Board. And every school district organized in pursuance of this Act shall be a body politic and corporate, by the name and style of School

To divide County into school districts

District No. , (such a number as may be designated by the County Board of Examiners,) of County, (the name of the County in which the district is situated,) State of South Carolina, and in that name may sue and be sued, and be capable of contracting and being contracted with to the extent of the funds in their possession, and holding such real and personal estate as it may come into possession of by will or otherwise, or as is authorized to be purchased by the provisions of this Act, all of which shall be used exclusively for school purposes. Each school district shall be confined to the management and control of the Board of School Trustees hereinafter provided for.

County Board
of Examiners
to appoint
School Trustees.

SEC. 34. That it shall be the duty of each County Board of Examiners to appoint for each and every school district in their County three School Trustees, who shall hold their office for two years, and until their successors may be appointed, unless sooner removed by the County Board of Examiners, whose duty shall be as hereinafter prescribed; and the County Board of Examiners shall have power to fill, from time to time, all vacancies which may occur in their respective school districts in Boards of School Trustees in their County.

Duty of Trustees.

Clerk to be appointed.

SEC. 35. That it shall be the duty of the said Trustees to meet as a Board as soon and often as practicable after having been appointed and qualified, at such place as may be most convenient in the district, and at their first meeting they shall organize by appointing one of their number Clerk of the Board, who shall preside at the official meetings of the Trustees and shall record their proceedings in a book provided for that purpose. Each member of the Board of Trustees shall be duly notified of all meetings by the Clerk of the Board.

SEC. 36. That it shall be the duty of the Board of Trustees in each school district to take the management and control of the local educational interest of the same, subject to the supervision of the County Board of Examiners, and to visit each school at least once in every school term.

To hold regular session.

SEC. 37. It shall be the duty of the Board of Trustees to hold a regular session in their school district at least two weeks before the commencement of any or every school term for the transaction of any and all business necessary to the prosperity of the schools, with power to adjourn from time to time and to hold special meetings at any time or place, when called upon by the Chairman or any two members of the Board.

SEC. 38. That besides the duties and powers prescribed in other portions of this Act, the Boards of Trustees shall have authority and it shall be their duty:

Authority
and other duties
of Board
of Trustees.

1st. To provide suitable school houses in their districts and to make the same comfortable, paying due regard to any school house already built, or site procured, as well as to all other circumstances proper to be considered so as best to promote the educational interest of their district.

2d. To employ teachers from those having certificates from their County Board of Examiners, or from the State Board of Examiners, or of the City Board of Commissioners of Charleston, and to discharge the same when good and sufficient reasons for so doing present themselves.

3d. To suspend or dismiss pupils when the prosperity and efficiency of the schools make it necessary.

4th. To call meetings of the people of the district for consultation in regard to the school interests thereof; at which meetings the Chairman or some other member of the Board shall preside if present.

5th. To take care of, manage and control the school property of the district.

6th. To visit the free public schools within their district from time to time, and to take care that they are conducted according to law and with the utmost efficiency.

SEC. 39. That when it shall so happen that persons are so situated as to be better accommodated at the school of any adjoining school district, or whenever it may be desirable to establish a school composed of parts of two or more school districts, it shall be the duty of the respective Boards of Trustees of the school districts in which such persons reside or in which such schools may be situated, or of the school districts or the parts of which the school is to be composed, to transfer such persons for education to the school district in which such school house is or may be located; but the enumeration of scholars shall be taken in each district as if no such transfer had been made; and such school, when so composed, shall be supported from the school funds of the respective school districts from which the scholars may have been transferred: *Provided*, That children shall not be transferred from a school district in one County to a school district in an adjoining County without the consent of the Boards of Examiners of the respective Counties in which the transfer is made.

May transfer
pupils.

School year.

SEC. 40. That the school year shall begin annually on the first day of November, but each County Board of Examiners shall have power to limit the school term according to the school fund of their County, and to regulate the opening and closing of the schools in such manner as will best subserve the educational interest of different localities: *Provided*, That all contracts which Boards of Trustees may make in excess of the funds apportioned to their district shall be void.

Teachers to make report and file with Clerk.

SEC. 41. That it shall be the duty of each school teacher to make out and file with the Clerk of the Board of Trustees, at the expiration of each school month, a full and complete report of the whole number of scholars admitted to the school during each month, distinguishing between male and female, the average attendance, the branches taught, the number of pupils engaged in studying each of said branches, and such statistics as he or she may be required to make by the County School Commissioner: *Provided*, That whenever a teacher is unavoidably prevented from filing said report at the expiration of any school month, the Board of School Trustees may have authority to receive the report within a reasonable time thereafter, if, in their opinion, the reasons for the delay are good and sufficient. On the filing of the teacher's report and its approval by the Board of Trustees, their clerk shall draw an order in duplicate on the County Treasurer for the amount due such teacher, which order, if approved by the County School Commissioner, shall be countersigned by him and the duplicate filed in his office.

SEC. 42. That it shall not be lawful for a County School Commissioner to receive pay as a teacher of a free public school in his County, nor for a Trustee to receive pay as a teacher of a free public school in his school district.

Members of State Board of Examiners, of County Boards of Examiners and of Boards of Trustees exempt from certain duties.

SEC. 43. That members of the State Board of Examiners appointed by the Governor, members of County Boards of Examiners appointed by the State Board of Examiners and members of the Boards of Trustees shall be exempt from militia, jury and road duty.

County Commissioners to furnish School Commissioner with office, etc.

SEC. 44. That the County Commissioners of each County are authorized and required to furnish the School Commissioner of their County with a comfortable and convenient office and suitable office furniture, and to supply said office with fuel, lights, stationery, postage and such other incidentals as are necessary to the proper transaction of the legitimate business of his office.

SEC. 45. That the correctness and legality of all claims for services rendered in teaching in any of the schools of this State which are supported wholly or in part by the State, and all claims of every description whatsoever which are chargeable against the fund raised for the support of the free public schools of the State, shall be sworn to and subscribed by the person presenting said claim before it shall be approved by the person or persons authorized by law to give such approval.

Claims shall be sworn to.

SEC. 46. That all School Trustees are hereby invested with the power, and required free of charge to administer oaths to persons presenting the claims contemplated by the preceding Section of this Act as fully to all intents and purposes as are all other persons who by the laws of this State are qualified to administer oaths.

Oath to be administered free of charge.

SEC. 47. That it is hereby declared to be unlawful for any County Treasurer, County Auditor, County School Commissioner or School Trustee to buy, discount or shave, directly or indirectly, or be in any way interested in any teachers' pay certificate or other order on the school fund, except such as are payable to him for his own services.

Certain officers not to hold interest in school claims.

SEC. 48. That if any of the officers aforesaid shall violate the provisions of the foregoing Section of this Act he shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall pay a fine of not less than five hundred (500) dollars nor more than two thousand (2,000) dollars, to be used for school purposes in his County, and shall be imprisoned at the discretion of the Court, or either or both, and shall forfeit the amount of such claim or of his interest in such claim.

Officers liable to fine.

SEC. 49. That the several County Treasurers shall retain all the poll tax collected in their respective Counties; and it is hereby made the duty of the said County Treasurers, in collecting the poll tax, to keep an account of the exact amount of said tax collected in each school district in his County; and the city of Charleston shall, for the purposes of this Section, be deemed a school district, and the County Treasurer shall pay over to the City Board of School Commissioners the amount of poll tax collected in said city; and the poll tax collected therein shall be expended for school purposes in the school district from which it was collected; and any violation of this Section by the County Treasurers shall constitute, and is hereby declared, a misdemeanor, and, on conviction thereof, the said County Treasurer shall pay a fine of not less than five hundred (500) dollars nor more than five thousand (5,000) dollars, to be used for school purposes in the County suffering from such violation, or imprisonment in the discretion of the Court.

Treasurers to retain poll tax.

Treasurer neglecting duty liable to fine.

County Treasurer to report collections and disbursements of poll tax.

SEC. 50. That it shall be the duty of each County Treasurer to report monthly, on the fifteenth day of each month, to the County School Commissioner of his County, the amount of collections and disbursements made by him for the month on account of poll tax and all other school funds; and it shall be a misdemeanor on the part of any County Treasurer to neglect, fail or refuse to make such report, and on conviction thereof he shall pay a fine of not less than five hundred (500) dollars, the same to be used for school purposes in his County.

Moneys, how paid.

SEC. 51. That all moneys disbursed by any County Treasurer on account of school funds or taxes or poll tax shall be paid on the orders of Boards of School Trustees, countersigned by the County School Commissioner.

Treasurer to make statement.

SEC. 52. That each County Treasurer shall make out and forward to the State Superintendent of Education, annually, on the first day of November a certified statement showing (by school districts) the amount of poll tax and the amount of all other school taxes collected by him for the fiscal year ending on the 31st of October next preceding; and should any County Treasurer fail, neglect or refuse to make and forward the statement as herein required, the State Superintendent of Education shall make a written complaint to the Circuit Solicitor for the County in which the said Treasurer resides, who shall prosecute the said County Treasurer for the same; and on conviction thereof he shall be subject to a fine of five hundred (500) dollars, the same to be used for free public school purposes in his County.

Member of County Board of Examiners and Boards of Trustees not to discharge duties after successor is appointed.

SEC. 53. That if a member of any County Board of Examiners in any County of the State, or a Trustee of any school district, shall attempt to act or discharge the duties of either of said offices after he shall have been removed, or after his successor shall have qualified, he shall be deemed guilty of a misdemeanor, and, after conviction, be punished by fine of not less than one hundred and one dollars or imprisonment for not less than thirty-one days, or both, at the discretion of the Court.

Commissioner of Charleston County.

SEC. 54. That it shall be the duty of the School Commissioner of Charleston County to organize in all those districts outside of the city of Charleston formerly known as parishes a suitable number of schools as soon as practicable after the passage of this Act. He shall also visit said schools as often as may be practicable during each year, and shall perform such other duties as are prescribed for County School Commissioners in this Act.

SEC. 55. That the School Commissioner of the County of Charleston shall have jurisdiction only over the schools and all educational interests outside of the corporate limits of the city of Charleston.

SEC. 56. At every general municipal election in the city of Charleston, one School Commissioner shall be elected by the legal voters of each ward, who shall continue in office until his successor is elected and qualified or shall refuse to qualify. The School Commissioners so elected shall constitute a School Board, and they may assemble at any time and elect a Chairman, a Clerk, a Superintendent of City Schools, whose terms of office, duties and compensation shall be prescribed by said Board; but their terms of office shall not exceed that of the Board electing them. The said Board shall have the following powers and duties: 1. To discharge the same duties in the city which are required of School Trustees in the Counties. 2. To determine the studies and class books to be used in the city schools. 3. To cause examinations to be made of teachers for the city schools. 4. To elect and dismiss teachers, prescribe their duties and term of office, and to make rules for the government of the schools. 5. To fill vacancies occurring in the Board by death, resignation, departure from the State or refusal to qualify; the said vacancies to be filled from the same wards in which they occur. 6. To grant diplomas in the Normal School department, which shall entitle the parties holding the same to become teachers in the public schools. 7. To make an annual report to the Superintendent of Education as to the city schools, as is required of Commissioners of County schools. 8. To take in charge and keep in order all buildings and other property belonging to or used for the city. 9. For the purposes of this Act, and in order to carry into effect the amendment of the Constitution relating to the school tax, the city of Charleston shall be deemed a school district, and the City Treasurer shall annually levy and collect, at the same time as the city taxes, a tax of one (1) mill on the dollar on all the taxable property in the said city; and the County Treasurer shall pay over to the City Treasurer the portion of the constitutional school tax and of the poll tax to which the Charleston school district is entitled; and all the said taxes shall be in the city treasury as public money, protected by the official bond of the City Treasurer, and shall be paid out on the warrant of the City Board of School Commissioners; the said amount to be applied to the support of the city schools, and the balance to the rebuilding of the school house destroyed by fire, and the repairs of that and other school buildings. The City

One School Commissioner to be elected by voters of each ward.

Duty of said Board.

To make annual report.

Tax to be levied and collected.

Treasurer shall receive out of this fund one thousand dollars annually for all services in receiving and disbursing the school fund.

Sec. 57. That all Acts and parts of Acts inconsistent with this Act be, and the same are hereby, repealed.

Sec. 58. That this Act shall take effect from its passage.

Approved March 22, 1878.

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